United Nations S/AC.43/2005/5

Security Council

Distr.: General
16 June 2005

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 10 June 2005 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and, with reference to operative paragraph 20 of resolution 1596 (2005), has the honour to submit the report of the Government of South Africa regarding the actions taken by the Republic of South Africa to implement effectively the measures imposed by resolution 1596 (2005) (see annex).

05-38900 (E) 210605

Annex to the note verbale dated 10 June 2005 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

Report by the Government of South Africa to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo on resolution 1596 (2005) on the arms embargo and other sanctions measures

Introduction

This report by the Government of South Africa is submitted pursuant to operative paragraph 20 of United Nations Security Council Resolution 1596 (2006), requesting Member States to report to the Security Council Committee on the Democratic Republic of the Congo (DRC), on the actions they have taken to implement the measures imposed by the said resolution.

Action taken by the South African Government in terms of the implementation of the arms embargo on the DRC

The regulation of arms transfers in South Africa is undertaken by the National Conventional Arms Control Committee (NCACC) in terms of the following legislation:

- The National Conventional Arms Control (NCAC) Act, which was promulgated on 1 May 2003 to replace the Armaments Development and Production Act (Act 57 of 1968). The Act enables the NCACC to ensure the implementation of a legitimate, effective and transparent control process, which would foster national and international confidence in the control procedures. The NCAC Act provides the legal framework to establish, apply and ensure a legitimate, effective and transparent control process which conforms to international law, norms and practices, as well the international obligations and commitments of the Republic with regard to United Nations Security Council arms embargoes.

  The Act lays down a set of criteria and guiding principles to be used in the assessment of conventional arms transfers. These criteria and guiding principles are based on internationally accepted norms and, *inter alia*, include consideration of human rights and fundamental freedoms, the adherence to international treaties and agreements. These criteria stipulate, amongst others, that the NCACC must:

  a) Avoid endangering regional and international peace and stability by introducing destabilising military capabilities into a region, which could aggravate or prolong any existing armed conflicts;
  b) Adhere to international law, norms and practices and the international obligations and commitments of South Africa, including United Nations arms embargoes; and
  c) Avoid contributing to terrorism and crime.

- The Firearms Control Act (Act No. 60 of 2000). In terms of Section 73 of this Act, no person may import or export firearms and ammunition without the necessary permit. The Act, as well as the NCAC Act, makes provision for the NCACC to authorise the export of firearms and ammunition against the set criteria contained in the NCAC Act.

In a meeting on 26 May 2005, the NCACC instructed the Directorate of Conventional Arms Control (DCAC), its implementing body, to ensure that UN Security Council resolution 1596 (2005) be implemented in accordance with the provisions of the NCAC Act.

Action taken by the South African Government in terms of the implementation of other sanctions measures against the DRC

The relevant Transport, Customs, Security and Financial authorities and institutions in South Africa have been informed of, and alerted to the requirements of resolution 1596 (2005), which would be fully implemented once the lists, referred to in operative paragraphs 13 and 15 of resolution 1596 (2005), become available.